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09/052,278	03/30/1998	MICHAEL B. ROBIN	MSI-206USC1	8962

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LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER
HARRISON, CHANTE E

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Please find below and/or attached an Office communication concerning this application or proceeding.

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 24

Application Number: 09/052,278
Filing Date: March 30, 1998
Appellant(s): ROBIN, MICHAEL B.

David A. Morasch
For Appellant

EXAMINER'S ANSWER

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This is in response to the appeal brief filed October 11, 2002.

(1)   *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2)   Related Appeals and Interferences

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3)   Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4)   Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5)   Summary of Invention

The summary of invention contained in the brief is correct.

(6)   Issues

The appellant's statement of the issues in the brief is correct.

(7)   Grouping of Claims

The rejection of claims 1, 3 and 5-8 stand or fall together because appellant's

brief does not include a statement that this grouping of claims does not stand or fall

together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8)   Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9)   Prior Art of Record

5,499,040   MCLAUGHLIN   3-1996

(10)   Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 3 and 5-8 are rejected under 35 U.S.C. 103. This rejection is set forth

in prior Office Action, Paper No. 18.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 3, 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

McLaughlin et al., U.S. Patent 5,570,108, 10/1996, 345/146.

As per independent claim 1, McLaughlin discloses providing a plurality of controls on a screen of a video display device (FIGS. 2-4), identifying a control group (col. 7, ll. 30 et seq.), the group comprised of at least two controls associated in a data structure (FIG. 4 ' 48-50', '60-63'; col. 7, ll. 39-48), representing the control group with a single status indicator (col. 7, ll. 30 et seq.) directing the activation of the controls of the control group (col. 7-8, ll. 13-22), but fails to specifically disclose storing an active value for the group. McLaughlin teaches associating a group of controls, polling the status of the display to identify user commands in a system that utilizes random access memory. It would have been obvious to one of ordinary skill in the art at the time of invention to include storing an active value for a group of controls in the disclosure of McLaughlin because the polling of the display status implies that the activation/deactivation of controls, as a group or individually, are stored.

As per independent claim 3, McLaughlin discloses a memory (FIG. 1 '12'), the identifier having an active state and an inactive state (col. 7, ll. 12 et seq.), the identifier represents the controls of the control grouping (col. 7, ll. 12 et seq.), but fails to specifically disclose a control grouping identifier contained in memory. McLaughlin teaches storing the status of a display control that enables a corresponding group of controls when it is selected. It would have been obvious to one of ordinary skill in the art to include the storage of a control group identifier in memory because polling a display for the status of a control, that indicates the status of corresponding controls, is representative of an identifier for the associated controls.

As per dependent claim 5, McLaughlin discloses storing an active value in a status indicator for each control (col. 7-8, ll. 30-23).

As per dependent claim 6, McLaughlin discloses masking the active value in the status indicator to deactivate the control (col. 7, ll. 49 et seq.).

As per dependent claim 7, the rejections as applied to dependent claims 5 and 6 are included herein.

As per dependent claim 8, McLaughlin fails to specifically disclose a control grouping identifier contained in memory, the identifier having an active state and an inactive state and the identifier represents the controls of the control grouping. However it would have been obvious to one of ordinary skill in the art to use the disclosure of McLaughlin because he discloses the use of memory (FIG. 1 '12') and polling the display status to effect user commands (col. 8, ll. 10 et seq.) to activate a group of controls (col. 7, ll. 36 et seq.).

(11)   ***Response to Argument***

The Examiner summarizes the various points raised by the appellant and addresses replies individually.

Per issue 1, the Appellant argues that McLaughlin does not teach representing a control group with a single status indicator in a data structure.

In reply, McLaughlin teaches locking software (col. 7, ll. 45-52) that activates or deactivates a group of mechanical controls (fig. 1 "16b") and a group of virtual controls (fig. 2 "38"). The enabling or disablement of the locking software represents a single status indicator. Additionally, the mechanical and virtual controls each represent a data structure because they each comprise a group of controls having an association (i.e. virtual controls are associated by the display features that they manipulate).

Per issue 1 and 2, the Appellant argues that McLaughlin does not suggest storing a group status in memory.

In reply, McLaughlin teaches a host processor (11) programmed with user interface software (col. 6, ll. 20-25) and the processor communicating with a storage device (13) and main memory (12). McLaughlin teaches a display processor communicating to the host processor signals triggered by the selection of controls (col. 5, ll. 10-25). McLaughlin teaches the selection of control "60" enabling the locking software, which

activates a group of controls (col. 7, ll. 45-61). Therefore the selection of control "60" would be communicated to the host processor, stored in memory and represent a status of a group of controls.

Per issue 2 and 3, the Appellant argues McLaughlin does not disclose activation of controls by storing an active value in a single status indicator.

In reply, McLaughlin teaches enabling or disabling locking software via selection of display control "60". McLaughlin teaches communicating signals indicating control selection and status via processor (col. 5,ll. 10-25). Therefore, upon activation of either the group of mechanical controls or the group of virtual controls, McLaughlin's disclosed system would store an active value for control "60" which would represent a single status indicator.

Per issue 3, the Appellant acknowledges that the Office recognized McLaughlin as failing to disclose a control grouping identifier having an active state and an inactive state or the control grouping identifier representing controls of a control grouping.

In reply, the Office recognized McLaughlin as disclosing the above claim features. Specifically, the Office identified McLaughlin as teaching a control grouping identifier having an active state and an inactive state (col. 7, ll. 12 et seq.) and the control grouping identifier representing controls of a control grouping (col. 7, ll. 12 et seq.)

because McLaughlin discloses a control "60" which when enabled (i.e. activated) represents the activation of the group of virtual controls.

Per issue 3, the Appellant acknowledges that the Office recognized McLaughlin as failing to disclose a control grouping identifier contained in memory.

In reply, McLaughlin teaches containing the identifier in memory because he discloses a display processor communicating the control status to the host processor, which communicates display control data to memory.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Chante Harrison
Examiner
Art Unit 2672

ceh
November 18, 2002

Conferees
Michael Razavi
Jeffrey Brier

MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201